

**STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

**Before the Director of the Department of Financial and Insurance Services**

In the matter of:

**Department of Insurance and Financial Services**

**Enforcement Case No. 13-11745**

**Agency Case No. 13-019-L**

Petitioner,

v

**Jennifer Marie VanOverloop**

**System ID No. 0268236**

Respondent.

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Issued and enter  
this 26<sup>th</sup> day of August 2013  
by Randall S. Gregg  
Deputy Director

**FINAL DECISION**

**I. BACKGROUND**

Respondent Jennifer Marie VanOverloop is a licensed insurance producer. In December of 2012, the Department of Insurance and Financial Services (DIFS) received information that Respondent had pled guilty to a felony of embezzlement over \$1,000.00. DIFS investigated the complaint and on May 14, 2013 and June 3, 2013, issued a Notice of Opportunity to Show Compliance (NOSC) to Respondent at her last known address alleging that Respondent had provided justification for revocation of licensure pursuant to Sections 1239(1)(f) & (h), and 1247(1) of the Michigan Insurance Code (Code), MCL 500.1239(1)(f) & (h), and 1247(1). Respondent failed to reply to the NOSC.

On July 2, 2013, DIFS issued an Administrative Complaint and Order for Hearing to Respondent at her last known address. The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file a response to the allegations with a statement that Respondent planned to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On July 31, 2013, DIFS staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The

Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Director is statutorily charged by the Code with the enforcement and responsibility to exercise general supervision and control over persons transacting the business of insurance in Michigan.
2. At all relevant times, Respondent Jennifer Marie VanOverloop (VanOverloop) was a licensed resident insurance producer with qualifications in property and casualty.
3. On April 19, 2012, Respondent VanOverloop pled guilty to a misdemeanor of retail fraud-3rd degree in the 57th District Court in Michigan. She did not report the conviction.
4. As a licensee, Respondent VanOverloop knew or had reason to know that Section 1247(1) of the Code, MCL 500.1247(1), provides that "Within 30 days after the initial pretrial hearing date, an insurance producer shall report to the commissioner any criminal prosecution of the insurance producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents."
5. On or about December 31, 2012, DIFS staff received a complaint from the insurance agency where she previously worked.
6. The employer reported that Respondent VanOverloop pled guilty to a felony of embezzlement over \$1,000.00. The crime occurred while Respondent VanOverloop was employed at the insurance agency.
7. On November 28, 2012, Respondent VanOverloop pled guilty to a felony of embezzlement over \$1,000.00 in the 17<sup>th</sup> Circuit Court in Michigan. Respondent VanOverloop was sentenced to five years of probation, 60 days of jail time, and ordered to pay fines, costs, and restitution in the amount of \$58,549.73 to the insurance agency.
8. As a licensee, Respondent VanOverloop knew or had reason to know that Section 1239(1)(f) of the Code, MCL 500.1239(1)(f), allows the Director to place on probation, suspend, revoke, or levy a civil fine under Section 1244 or any combination thereof, for "Having been convicted of a felony."
9. Respondent VanOverloop was convicted of a felony.
10. As a licensee, Respondent VanOverloop further knew or had reason to know that Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), allows the Director to place on probation,

suspend, revoke, or levy a civil fine under Section 1244 or any combination thereof, for “Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.”

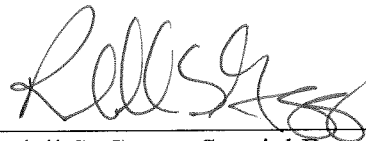
11. Respondent VanOverloop used fraudulent, coercive, or dishonest practices or demonstrated incompetence, untrustworthiness, or financial irresponsibility by having been convicted of felony embezzlement while employed as an insurance producer at an insurance agency.
12. Respondent VanOverloop failed to report her felony conviction within 30 days of the initial pretrial hearing date, in violation of MCL 500.1247(1).
13. DIFS staff have made reasonable efforts to serve Respondent VanOverloop and have complied with MCL 500.1238.
14. Respondent VanOverloop has received notice and has been given an opportunity to respond and appear and has not responded or appeared.
15. Respondent VanOverloop is in default and the Petitioner is entitled to have all allegations accepted as true.
16. Based upon the actions listed above, Respondent VanOverloop has committed acts that provide justification for the Director to order the payment of a civil fine, refund of any overcharges, restitution made to cover losses, damages or other harm attributed to Respondent’s violations of the Code, and/or licensing sanctions under 1244(1) of the Code, MCL 500.1244(1), for the Respondent’s violation of 1239(1)(f) & (h) and 1247(1) of the Code, MCL 500.1239(1)(f) & (h) and 500.1247(1).

### III. ORDER

Based on the Respondent VanOverloop's conduct and the applicable law cited above, it is ordered that:

- 1 Respondent VanOverloop shall cease and desist from violating the Code.
- 2 Respondent VanOverloop shall immediately cease and desist from engaging in the business of insurance.
- 3 All insurance licenses of Jennifer VanOverloop are **REVOKED**.

R. Kevin Clinton, Director  
For the Director:

A handwritten signature in black ink, appearing to read "Randall S. Gregg", written over a horizontal line.

Randall S. Gregg, Special Deputy Director